

Remarks

Applicant traverses the rejections of all of the pending claims. The rejections of each claim is premised, at least in part, on the combination of Russell et al. and Baum et al. Because this combination is legally improper for the reasons explained in detail below, it submitted that a *prima facie* case of obviousness has not been made as to any of the claims.

First, the Examiner appears to be, based on his remarks in paragraph 5 of the Detailed Action, interpreting Ethernet switch 904 in Figure 9 of Russell et al. as creating a single stream of data to multiplexer 903 by virtue of its switching of data frames coming into the Ethernet switch from terminals connected to the switch. Thus, the examiner seems to be suggesting that the Ethernet switch is performing the multiplexing function. However, claim 1 requires a multiplexer perform the multiplexing function. To clarify that the switch in the claim is not performing this multiplexing function, claim 1 has been amended to require a plurality of switch ports connected to the multiplexer. For at least this reason it is respectfully submitted that the combinations relying on Russell et al. fail to teach each and every element of the claims 1 and 5-8 and thus cannot render obvious claims 1 and 5-8.

Second, the motivation put forth for combining Russell et al. and Baum et al. is not found in the prior art of record. The only place that the undersigned representative can find, for example, the alleged motivation that inserting a unique port identifier would allow more efficient use of bandwidth, is in applicant's own teachings. No cite is provided by the Examiner. The motivation for combining two references must be found in the prior and, not in applicant's own teachings. See M.P.E.P. §2143.01.

Third, the motivation provided by the Examiner is too general to teach the combination. Improving bandwidth efficiency is not, it is submitted, specific enough to teach the desirability of, for example, modifying Russell et al.'s Ethernet switch to insert a port identifier, to the exclusion of other modifications that might improve bandwidth efficiency.

Fourth, neither reference suggests the desirability of the combination. Modifying Russell et al. in this way is simply unnecessary. As pointed out in the July 22, 2005 response, Russell et al. maps a single Ethernet port into or more virtual containers. This one-to-many mapping inherently preserves port information. There is no need for a port identifier. The substitution in Baum et al. of layer 2 headers with "context information," which may include port information,

appears to be for purposes of reducing costs associated with aggregating physical connections for connection to an edge router. See Col. 7, lines 27-32.

Finally, the mere fact that Russell et al. could be modified, as the examiner contends in paragraph 5 of the Detailed Action, is not enough. The prior art must suggest the desirability of making the modification. See M.P.E.P. 2143.01.


In conclusion, for at least these reasons, it is submitted that a rejection of any of the claims, which is premised on the combination of Russell et al. and Baum et al., is in error. By not specifically addressing other errors in the Examiner's reasoning, Applicant is not acquiescing in any statements made by the Examiner or waiving any right to complain about the errors at a later time.

It is respectfully submitted that the Application is now in allowable form. Accordingly, reconsideration and allowance of the currently pending claims is respectfully requested. Applicant respectfully requests the opportunity for an telephonic interview prior to the Examiner acting on this Amendment and Reply. Please charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call the undersigned representative for any reason that would advance the current application to issue.

Dated: March 2, 2006

Respectfully submitted,

GARDERE WYNNE SEWELL LLP



Marc A. Hubbard
Registration No. 32,506

3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-4582 - Telephone
(214) 999-3623- Facsimile